

REMARKS

Claims 9-11, 13-15, 17 and 18 are currently pending in this application. Claims 1-8, 12 and 16 are canceled without prejudice or disclaimer. Claims 9 and 13 are amended to provide additional clarification. No new matter has been added. Reconsideration of all outstanding rejections is respectfully requested.

Claim Amendments

Claim 9 is amended to incorporate the limitations of claim 12, now canceled. Support is found at least in original claim 12. Claim 13 is amended to incorporate the limitations of claim 16, now canceled. Support is found at least in original claim 16. No new matter has been added.

Claims Rejections under 35 U.S.C. § 112

Claims 9-11, 13-15, 17 and 18¹ were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action stated that independent claims 9 and 13 do not show how recovering is achieved. While Applicants do not agree with this characterization, Applicants have followed the suggestion in the Office Action to amend independent claims 9 and 13 with the subject matter of claims 12 and 16, respectively, to further clarify the claimed subject matter. Applicants thus submit that amended independent claims 9 and 13 and dependent claims 10, 11, 14, 15, 17 and 18 are not indefinite and request that the rejection be withdrawn.

Claims Rejections under 35 U.S.C. § 102(e)

Claims 9-11, 13-15, 17 and 18² were rejected under 35 U.S.C. § 102(e) as being anticipated by Johnson et al. (2003/0172293). Applicants have amended independent claims 9 and 13 to include the subject matter of allowable claims 12 and 16, respectively.

¹ Applicants note that paragraphs 4 and 5 of the detailed action indicate that claims "9-18" (thus including claims 12 and 16) are rejected under both 35 U.S.C. §§ 102(e) and 112. However, item 6 of the office action summary indicates that claims 12 and 16 are not rejected, item 7 of the office action summary and paragraph 10 of the detailed action indicate that claims 12 and 16 are merely objected to, and paragraph 10 indicates that claims 12 and 16 would be allowable if rewritten to be independent. Applicants thus consider the rejected claims as claims 9-11, 13-15, 17 and 18.

² See note 1, above.

Applicants submit that that independent claims 9 and 13 and dependent claims 10, 11, 14, 15, 17 and 18 therefore recite allowable subject matter and request that the rejection of claims 9-11, 13-15, 17 and 18 be withdrawn.

CONCLUSION

In light of the foregoing, Applicants submit that all outstanding rejections and objections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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By: _____


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